

contract between the parties. A mere threat to commit waste is a sufficient foundation for an injunction before any waste has been actually done. *Gibson v. Smith*, 2 *Atk.* 183; *Hannay v. McEntire*, 11 *Ves.* 54; *Coffin v. Coffin, Jacob*, 70. And an injunction may be granted where no account of damages could be claimed; or where the waste done is so insignificant that there could be no recovery of damages at law. *The Universities of Ox. & Cam. v. Richardson*, 6 *Ves.* 706; *The Keepers, &c. of Harrow School v. Alderton*, 2 *Bos. & Pul.* 86. It may be granted in favor of a child *en ventre sa mere*; *Robinson v. Litton*, 3 *Atk.* 211; in favor of trustees to preserve a contingent remainder, before the contingent remainderman has come *in esse*; *Garth v. Cotton*, 3 *Atk.* 754; in favor of any one entitled to a contingent or executory estate of inheritance; *Bewick v. Whitfield*, 3 *P. Will.* 268, *note*; *Hayward v. Stillingfleet*, 1 *Atk.* 422; and in favor of a remainderman or reversioner, where there is an intervening estate for life. *Bewick v. Whitfield*, 3 *P. Will.* 268, *note*; *Farrant v. Lovel*, 3 *Atk.* 723. An injunction may be obtained, in respect of equitable waste, against a tenant in tail after possibility of issue extinct; *Abraham v. Bubb*, 2 *Freem.* 53; against a tenant for life without impeachment of waste; *Lord Bernard's Case*, *Prec. Chan.* 454; and against a mortgagor or mortgagee in possession. *Farrant v. Lovel*, 3 *Atk.* 723; *Humphreys v. Harrison*, 1 *Jac. & Walk.* 561. An injunction may be granted as between tenants in common, joint tenants, and coparceners, against malicious destruction, or when the tenant committing the waste is insolvent, or is occupying tenant to the plaintiff. *Smallman v. Onions*, 3 *Bro. C. C.* 621; *Hole v. Thomas*, 7 *Ves.* 589; *Twort v. Twort*, 16 *Ves.* 128. And so too, where some of the heirs had filed their bill in this Court against the rest to obtain a partition according to the Act to Direct Descents, and one of the heirs, who was in possession, was committing waste; upon a * representation of the fact, by the trustee appointed to make sale of the lands for the purpose of effecting a partition, he was restrained by injunction. *Clarke v. Clarke*, *MS.* 24th January, 1822. When the bill is for an injunction to stay further waste, and waste has been already committed, the Court, to prevent a double suit, will decree an account and satisfaction for what is past, and not oblige the plaintiff to bring an action at law as well as a bill in equity; but such decree for the past is only given as an incident to the injunction, to obtain which the plaintiff was under a necessity of coming into Chancery; and, consequently, it may be regarded as a general rule, to which there are few exceptions, that when no injunction is, or can be asked for or granted, a bill to have an account of past waste, and nothing more, cannot be sustained, the proper remedy being at law. *Jesus College v. Bloom*, 3 *Atk.* 262; *Eden Inj.* 146.